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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

IVAN MIRANDA-RIVERA,

Defendant.

CASE NO. 2:20-CR-00242-KJM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: November 7, 2022
TIME: 9:00 a.m.
COURT: Hon. Kimberly J. Mueller

STIPULATION

Plaintiff United States of America (the “government”), by and through its counsel of record, and the defendant, by and through his counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on November 7, 2022.
2. By this stipulation, the parties now jointly request that the Court (i) vacate the status conference currently set for November 7, 2022, (ii) find that the defendant continues to be unavailable for trial within the meaning of the Speedy Trial Act, and (iii) exclude time for purpose of the Speedy Trial Act under Local Code M. *See* 18 U.S.C. § 3161(h)(3).
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The defendant’s whereabouts are currently unknown to the government and to defense counsel, and he cannot presently be located.

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b) There is an outstanding no-bail bench warrant to secure the defendant's appearance before the Court. *See* Pretrial Servs. Violation Pet., ECF No. 57.

c) The government has exercised and will continue to exercise due diligence in attempting to locate the defendant and execute the pending bench warrant.

d) Until the government determines the defendant's whereabouts and executes the pending bench warrant, the defendant is unavailable for trial for the purpose of computing time under the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(3)(B).

e) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of November 7, 2022, until the date the defendant next appears before the Court in this matter, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(3)(A)–(B) [Local Code M] because it results from the unavailability of the defendant.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: November 3, 2022

PHILLIP A. TALBERT
United States Attorney

/s/ SAM STEFANKI
SAM STEFANKI
Assistant United States Attorney

Dated: November 3, 2022

/s/ MEGAN HOPKINS
MEGAN HOPKINS
Counsel for Defendant
IVAN MIRANDA-RIVERA

FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED this 4th day of November, 2022.



CHIEF UNITED STATES DISTRICT JUDGE